

INSTRUCTIONS FOR

STOCKPOND USE

STATEMENT OF CLAIMANT FORM

INTRODUCTION

The filing of a completed Statement of Claimant form serves as an official claim of a water right. Receipt by the Department of Water Resources of the notarized form along with the appropriate filing fee officially enters the claim in the court adjudication proceeding.

After the final filing date has passed, the Arizona Department of Water Resources will assist the court by tabulating, investigating, and verifying the information submitted on the Statement of Claimant forms. The Department of Water Resources will identify claims and rights which may have been abandoned or forfeited and will conduct any other studies or investigations which are necessary for a proper determination of relative rights. Upon completing the investigations, a preliminary report will be made available for each claimant to examine. Claimants will have the opportunity to file comments to the Department of Water Resources before the report is made final and submitted to a court-appointed master. Before the report is admitted into evidence, claimants will have an opportunity to file written objection. After consideration of the final Department of Water Resources report and all testimony properly presented, the master will file a report with the court which will then make final judgment on the priority and extent of all water rights in the river system. The final decree will be referred to the Department of Water Resources for administration under the jurisdiction of the court.

Who should file in this adjudication?

Anyone who uses or has used water from a well or from springs, streams, lakes or other impoundments for any purpose, and these sources are within the boundary of the watershed should file a claim for water rights. Anyone who receives all their water from a municipal system, water company, association or irrigation company or other such entity need **not file provided that their water supplier files** the water rights claim. You should contact your water provider to make sure that they will file.

Who should file a “Stockpond Use” form?

Persons who are claiming a right to store water in a small impoundment of up to 15 acre-feet capacity for the purpose of watering livestock or wildlife must file their claim on a Stockpond Use Statement of Claimant form. For impoundments exceeding 15 acre-feet capacity, claims must be filed on an **Other** Uses Statement of Claimant form.

Should a separate form be filed for each stockpond?

Normally a separate form must be filed **for each stockpond**. The exception is where multiple stockponds are supplied from the same source of supply. This situation occurs, for example, when several off-channel stockponds are supplied by a single canal. In this case only one form need be filed for all the stockponds that are supplied solely from the canal.

Should a separate form be filed for each type of use?

Yes. Separate forms must be completed and filed for each type of use, even though they may be supplied from a single source. Only one filing fee is necessary when more than one type of use form is required and all these uses are supplied from a common source of supply. To insure proper credit of the fees, all forms should be submitted together.

Cost of filing claims:

The filing fee for an individual is twenty dollars (\$20.00) for each Statement of Claimant form filed except when more than one use is served from a common source of supply and two or more type of use forms are required.

Should claims be filed for groundwater?

Yes. The law provides that the adjudication will determine the extent and priority of the rights to the use of all water which is appropriable and all water subject to claims based upon federal law. Not knowing precisely how the court may rule on "water subject to claims based upon federal law" all groundwater users are urged to file a claim.

Should a claim be filed for some potential future use?

No. Under the Arizona system of water law, water rights cannot be established or reserved for some potential future use. Water rights can only be established through proper legal appropriation and putting the water to actual beneficial use.

INSTRUCTIONS

The numbered instructions below correspond to the question numbers on the Stockpond Use Statement of Claimant form. Please fill out the form using a typewriter or by printing with a black pen.

1. Claimant Name and Address

Use the name of the property owner as it appears on the deed. Use the full name if the claimant is an association, political subdivision, firm, partnership, corporation, agency or other such entity.

2. Basis of Claim

The Basis of Claim is the method by which the water right was established. If the right involves multiple sources of supply that are **combined in a common distribution system and these sources of supply** have a different basis of claim, check all appropriate boxes. In the Comment section of the Statement of Claimant form, question 12, state which basis of claim applies to each stockpond location listed in response to question number 5.

A. If the claimed water right was established prior to the enactment of the June 12, 1919 Public Water Code, check box A. These rights were acquired by filing notices of intended use with the county recorder, or simply by diverting water and putting it to beneficial use prior to June 12, 1919. Persons claiming these water rights were required to register their claims with the State Land Department to be in compliance with the 1974 Water Rights Registration Act. List the registry number for the claim obtained when registered under this Act. Questions on this registry of claims may be referred to the Department of Water Resources. (Phone 602 417-2442 in the Phoenix area or 1-866-246-1414 toll-free within Arizona.)

B. If the claimed water right was established after June 12, 1919, according to the administrative provisions of the Public Water Code, check box B. These rights are acquired by making application with the State, obtaining a permit, putting the water to beneficial use, and obtaining a certificate of water right. Please list the application number for this right and, if issued, the permit and certificate numbers. (Phone 602 417-2442 in the Phoenix area or 1-866-246-1414 toll-free within Arizona.)

C. The 1977 Stockponds Registration Act allowed persons to apply for water rights on existing stockponds when a right had not previously been acquired pursuant to a permit or certificate. If your stockpond was registered under this Act, check box C and list the assigned claim number. Questions on this registry of claims may be referred to the Department of Water Resources. (Phone 602 417-2442 in the Phoenix area or 1-866-246-1414 toll-free within Arizona.)

D. If the water right was established or confirmed by a court decree, check box D and list to the extent known the principal litigants, name of court, date, and case number. If the decree has a common name, it may be shown, e.g. Norviel, Kent, Gila, etc. The Department of Water Resources does not have this information.

E. If the claimed water right was established by a process other than those listed in A through D above, check box E and describe the process.

3. Claimed Priority Date

This is the date that the water was first used from any source. If your claimed right was initiated prior to June 12, 1919, the priority date is:

- (I) the date of filing of intended use with the county recorder, or (2) the date the water was first put to beneficial use

If your claimed right was established after June 12, 1919, according to the provisions of the Public Water Code, the priority date is the date of application for a permit to appropriate water.

If you have a decreed water right, your priority date is the date specified in the decree.

If your claimed right was established through the 1977 Stockponds Registration Act, the claimed priority date is the date of construction of the stockpond. If you filed under the Act but after the deadline of June 29, 1979, the claimed priority date is the date of filing.

4. Source of Water

List the name of the stream, wash, or arroyo and what it is tributary to. If the stockpond is supplied water partly or wholly from a source of water other than a natural channel, check "yes" and describe. This includes stockponds that are supplied from a canal, pipeline, or pump.

5. Legal Description of the Location of the Stockpond

This is the location of the dam forming the stockpond. The Department of Water Resources will provide upon request a guide for determining legal land descriptions.

6. Other Uses

Describe any other uses supplied by the stockpond or its water source. A separate Statement of Claimant form must be completed for each of the other uses; however, only a single filing fee is required for all the uses supplied by a common point of diversion, or supplied through a common distribution system having combined sources of supply.

7. Description of the Stockpond

List the name or designation that you use for the stockpond. The Department of Water Resources will provide upon request a guide for determining the capacity of stockponds.

8. Number and Kind of Livestock or Wildlife

This is the average number of livestock or wildlife that you estimate would normally make use of the stockpond for the specified number of months.

If you have a question about the adjudication, you may call 602 417-2442 in the Phoenix area or 1-866-246-1414 toll-free within Arizona. Mail form(s) and fee(s) to:

Arizona Department of Water Resources
Surface Water and Adjudication Section
PO Box 458
Phoenix, AZ 85001-0458